

Chapter 3. Regulatory Framework

3.1. Community Plan Overview.

The City of Mesa's Planned Community District ("PCD") is designed to accommodate large-scale, comprehensively planned development projects. The PCD is a flexible regulatory tool whose cornerstone is the ability to tailor development controls to the unique needs and evolution of a specific project. The City of Mesa Zoning Ordinance establishes four basic planning tools that establish the framework of the Planned Community District ("PCD"): 1) the Community Plan, 2) Development Unit Plans, and 3) Site Plans and 4) Subdivision Plats.

3.1(a) Community Plan. The PPGN Community Plan is the initial planning and regulatory document that establishes the overall project vision, regulatory framework, administrative procedures, and development controls including land use groups, permitted uses, general development standards, a land use budget, and general design guidelines and concepts. The PPGN Community Plan also includes the master plans for public infrastructure and divides the master plan into distinct Development Units ("DU"), which represent the various phases or development areas within the project. The core regulatory components of the PPGN Community Plan are the unique development standards and planning processes that will be used to govern all future development. The main components of the CP are summarized below.

3.1(a)(i) *Land Use Groups.* As an alternative to traditional zoning districts, the PPGN Community Plan utilizes Land Use Groups ("LUG") to regulate the various land uses allowed within the community. The LUGs define allowable uses, development form, development standards, and design concepts. PPGN utilizes five distinct LUGS:

1. **Community Residential ("CR")**
2. **Community Residential Small Lot ("CRSL")**
3. **Community Multi-Residence ("CMR")**
4. **Community Commercial ("CC")**
5. **Community Mixed Use ("CMU")**

3.1(a)(ii) *General Development Standards.* The PPGN Community Plan includes development regulations, standards and criteria that are part of the structure for each LUG allowed within PPGN. The General Development Standards include the development standards for each residential and non-residential LUG as outlined in Chapters 7 and 8, as well as additional development standards for certain permitted uses as outlined in Chapter 9. The General Development Standards include regulatory criteria such as setbacks, building heights, density, and permitted uses among other standards and criteria. The General Development Standards do not include general design guidelines and

design concepts. General Development Standards are regulated pursuant to the Community Plan Major and Minor Amendment procedures outlined in 3.6(b) and 3.6(c) below, except that certain minor modifications to General Development Standards may be reviewed and approved by the Zoning Administrator pursuant to the Site Plan and/or Design Review and Subdivision Plat process.

3.1(a)(iii) *Land Use Budget and Development Parcel Allocations.* The Land Use Budget (“LUB”) contained in Chapter 5 of the PPGN Community Plan sets forth the residential dwelling unit and non-residential gross floor area allocations for each DU within PPGN. The LUB establishes overall minimums and maximums for each of the five DUs within PPGN. In addition to the Land Use Budget, the PPGN Community Plan establishes the procedure for allocating the LUB to development parcels within each Development Unit (“Development Parcel Allocation”). The Development Parcel Allocation will initially occur at the time of Development Unit Plan approval (as discussed below). An example of conceptual Development Parcel Allocations is set forth in Appendix 19.4. The LUB and Development Parcel Allocations are discussed more fully in Chapter 5.

3.1(a)(iv) *Modifications to City of Mesa Engineering and Design Standards.* The PPGN Community Plan includes provisions pursuant to Section 9-8-4(C) of the Mesa City Code that allow for modification of certain City of Mesa Engineering and Design Standards. Potential modifications to certain Engineering and Design Standards are outlined in Chapters “16” (Streets Systems) and “17” (Stormwater Management and Drainage Systems), subject to final review and approval by the City Engineer, City Traffic Engineer, or designee. Additional modifications may be sought in the future. Modifications to the City of Mesa Engineering and Design Standards are discussed more fully in 3.11.

3.1(b) Development Unit Plans. Development Unit Plans (“DUP”) represent the second level of planning and establish a more detailed planning framework that is specific to each DU within the overall Community Plan. A DUP will include detailed design guidelines specific to each DU, the general location and approximate acreage for each LUG to be used, and updates to master infrastructure reports, as necessary. A DUP may also include refinements to the General Development Standards and modifications to Engineering Standards, if approved by the City Engineer and/or City Traffic Engineer, or designee. DUPs are discussed more fully in 3.7.

3.1(c) Site Plans and Subdivision Plats. The final level of planning includes Site Plan and Design Review for all non-single residence projects and Subdivision Plat review for all single residence projects within PPGN. Site Plans and Subdivision Plats establish the specific location of each allowed LUG, details of individual parcels

including lot layout and building placement as appropriate, Development Parcel Allocations, and must demonstrate compliance with requirements of both the Community Plan and the applicable DUP. Site Plan and Design Review, and Subdivision Plats are discussed more fully in 3.8 and 3.9.

3.2. Regulatory Effect.

The PPGN Community Plan has been prepared pursuant to Chapter 11 of the Mesa Zoning Ordinance (effective date 9-3-11) and in conformance with Arizona Revised Statutes § 9-462.04 to establish the regulatory framework for PPGN by creating unique, project specific development criteria and regulatory processes. The PPGN Planned Community District zoning and Community Plan take precedence over any current or future zoning ordinances and guidelines implemented by the City of Mesa except in circumstances involving public health, safety and welfare. The PPGN Community Plan is a stand-alone regulatory document comprised of project specific zoning regulations, including but not limited to permitted uses, project density and intensity, development standards, design guidelines, and regulatory processes. Zoning requirements, development standards, and regulatory processes that are not specifically articulated within the PPGN Community Plan are governed by the Mesa Zoning Ordinance. Specifically, City of Mesa Zoning Ordinance processes for all conditional use permits shall be followed. In the event of a conflict between a provision of the PPGN Community Plan and a provision of the Mesa Zoning Ordinance, the PPGN Community Plan prevails. The PPGN Community Plan does not modify other Mesa City Code provisions or requirements except as specifically noted within the PPGN Community Plan. The provisions of the PPGN Community Plan apply to all property within the project boundary (See **Appendix 19.1, PPGN Property Boundary Legal Description**).

All images and site plans within the PPGN Community Plan are conceptual. These concepts are intended to evoke the intent of the expected character of development and present an indication of the quality expected in the development. The concepts conveyed in the images and site plans are not regulatory.

3.3. Interpretations.

The City of Mesa Zoning Administrator shall administratively review and render decisions on clarifications and interpretations of the PPGN Community Plan and Development Unit Plan provisions. Decisions of the Zoning Administrator may be appealed pursuant to the Appeals of Administrative Decision procedures in 3.10.

3.4. Development Agreement.

In addition to the provisions set forth within the PPGN Community Plan, development within PPGN is governed by a Pre-Annexation Development Agreement adopted in accordance with Arizona Revised Statutes § 9-500.05.

3.5. Community Governance.

Master Developer Role. The initial Master Developer for PPGN will be Harvard Investments or an entity controlled by Harvard Investments. The role of Harvard Investments as the Master Developer is to establish the overall framework for development of PPGN and provide oversight for the initial phases of development. Harvard Investments will also establish and control the initial allocation of the Land Use Budget, as outlined in Chapter 5, for development parcels within each DU to ensure that the Land Use Budget is fully allocated in a manner that is consistent with the regulatory structure and overall vision for PPGN. Further, Harvard Investments will establish recorded covenants, conditions and restrictions (“CC&R’s”) that will privately govern PPGN in addition to the PPGN Community Plan and Pre-Annexation Development Agreement. More than one set of CC&R’s may be established for the various phases of development within PPGN. It is anticipated that the single residence land uses within PPGN will be governed by CC&R’s that are separate and independent from CC&R’s for the multi-residence and non-residential land uses within PPGN. The CC&R’s, which will be binding upon all current and future property owners, will establish a comprehensive plan to maintain the quality and integrity of the PPGN vision. The CC&R’s will contain standards and guidelines for development, operation, use and maintenance as well as establish associations and other entities that will be responsible for oversight and enforcement. The CC&R’s will set forth the structure for a future Master Property Owners Association as well as procedures for the future assignment and transition of Harvard’s role as the Master Developer. Harvard Investments will maintain the role as Master Developer until such time as Harvard Investments no longer has a real property interest in PPGN.

Property Owners Associations. A Master Property Owners Association will be formed, as set forth within the CC&R’s, to ultimately assume Harvard’s role as the Master Developer. The Master Property Owners Association will be formed prior to the time that Harvard no longer has a real property interest in PPGN. Once Harvard Investments no longer has a real property interest in PPGN, the Master Property Owners Association, the PPGN Community Plan, Pre-Annexation Development Agreement, CC&R’s and any other regulatory documents subsequently approved or recorded shall govern all development activity within PPGN. The management structure, duties and authority of the future Master Property Owners Association will be set forth within the CC&R’s; however, the Master Property Owners Association will be responsible for ongoing oversight and approval of the Land Use Budget, Development Parcel Allocations and Community Plan Amendments.

In addition to the Master Property Owners Association, individual homeowners or property owners associations will be formed to govern individual development projects or project areas within PPGN. At a minimum, a Master Homeowners Association will be formed to govern development within the single-residence portions of PPGN. The authority and duties of the Master Homeowners Association and other property owners associations will be set forth more fully within the CC&R’s. The Master

Homeowners Association and other property owners associations are subordinate to the Master Developer and/or Master Property Owners Association.

3.6. Community Plan Amendments.

Amendments to the PPGN Community Plan may be necessary from time to time in order to respond to changed market or development conditions. Amendments to the Community Plan shall be classified as Major or Minor as determined by the Planning Director and in conformance with the requirements of 3.6(b) and 3.6(c).

3.6(a) Application Requirements.

3.6(a)(i) *Applicant.* The following owners or entities may file an application for a Community Plan Amendment:

1. Master Developer; or
2. Homeowner's Association or other Property Owner's Association; or
3. Property Owner of land within PPGN; or
4. An agent representing the Master Developer, Homeowner's Association or other Property Owner's Association, or Property Owner of land within PPGN as duly authorized to do so in writing.

If an entity or owner other than the Master Developer requests a Community Plan Amendment, whether Major or Minor, then documentation shall be provided that notice has been given to the Master Developer if the Master Developer still exists. If the Master Developer no longer exists, then notice to the Master Developer is not required except that a single residence property owner must provide documentation that notice has been provided to the Master Homeowner's Association and a non-single residence property owner must provide documentation that notice has been provided to the associated property owner's association.

3.6(a)(ii) *Application Requirements.* Applications for Community Plan Amendments must be filed in the office of the City of Mesa Planning Division on the form provided and shall be accompanied by the required fee (if any).

3.6(b) Community Plan Major Amendments.

Major Amendments shall be processed following the same procedures as required for the original PCD zoning as set forth within the Mesa Zoning Ordinance. The following amendments are Major Amendments:

1. A change in the overall PCD Boundary.
2. A change to the permitted uses in the PCD or any DU.
3. A change to the General Development Standards except for Minor Modifications as allowed pursuant to 3.8 and 3.9

4. An increase in the total number of approved residential dwelling units or gross floor area of non-residential development for the overall PCD.
5. A twenty percent increase or decrease to the boundary or gross area of a DU from that approved in the PCD, as determined by the Planning Director.
6. Any change to the Land Use Budget for the overall PCD and any change to the Land Use Budget for a specific DU except if the change is the result of an allowed and approved Land Use Budget Transfer.
7. A substantial change in land use intensity that negatively impacts or burdens public facilities, or requires a substantial modification to the approved master plans for transportation, water, wastewater or drainage as determined by the Planning Director, City Engineer or City Traffic Engineer.
8. Any proposed change to the Community Plan that substantively and negatively alters one or more required elements of the PCD or Community Plan as determined by the Planning Director.

3.6(c) Community Plan Minor Amendments.

Amendments to the Community Plan that do not qualify as a Major Amendment shall be considered a Minor Amendment. Minor Amendments may be approved administratively by the Planning Director and the approval may include stipulations or conditions of approval. A Minor Amendment is an Administrative Decision and subject to the appeal procedures outlined in 3.10.

3.6(c)(i) Pre-Submittal Conference. A Pre-Submittal Conference with the City of Mesa Planning Director, or designee, is required prior to submittal of a Community Plan Minor Amendment. Customary City of Mesa processes and procedures shall be followed for the Pre-Submittal Conference.

3.6(c)(ii) Letters of Notification. Letters of notification to potentially affected property owners and other interested parties are required for each Minor Amendment request. Letters of notification shall be prepared as follows:

1. A letter, worded similar to the Sample Notification Letter included in Appendix 19.2, that generally describes the request, action to be taken, and provides contact information shall be prepared on the applicant's letterhead.
2. A mailing list shall be prepared by the applicant that includes at a minimum the Master Developer and any property owner's associations or homeowner's association within PPGN. The mailing list shall also include any other potentially affected entities or individual property owners as determined by the Planning Director based on the potential impact of the proposed change. A requirement to provide notice to each individual property owner

within PPGN will only be required for a proposed amendment that has community-wide impact.

3. The applicant shall provide the Planning Division with pre-addressed, stamped and sealed letters to all property owners on the mailing list at the time of submittal of the Minor Amendment request. The applicant shall also provide the Planning Division with a copy of the letter, mailing list and map noting the location of the notified property owners for the case file.
4. The Planning Division shall mail the notification letters within 10 calendar days of submittal of a complete Minor Amendment application.
5. Additional notification letters may be required upon the discretion of the Planning Director if significant changes occur to the Minor Community Plan Amendment application during the staff review process.

3.6(c)(iii) Written Protest. If a written protest regarding a proposed Minor Amendment is received within 15 calendar days of the postmark date on the notification letters and the protest cannot be resolved, then the Minor Amendment request shall be reclassified as a Major Amendment and all provisions governing Major Amendments as outlined in 3.6(b) shall apply. A protest shall be considered resolved if:

1. The written protest is withdrawn in writing, or
2. Mutual agreement is reached between the applicant and the protesting party to the satisfaction of the Planning Director, or
3. The Planning Director renders a decision on the Minor Amendment request.

3.6(c)(iv) Planning Director Decision. Unless a written protest is filed as described above and not resolved, the Planning Director shall render a decision on the Minor Amendment request, either:

1. Upon expiration of the written protest period, or
2. No later than 60 days after a complete Minor Amendment request was filed with the City of Mesa unless otherwise agreed to by the applicant.

Notice of the Planning Director's decision shall be sent to the Master Developer, applicant, property owner's or homeowner's associations, and to any other person or entity who has filed a written request for such notice, within 15 calendar days from the date of the Planning Director's decision. The notice must include the action taken, any applicable conditions or stipulations, and a description of the appeal period and process. The Planning Director's decision is final unless appealed pursuant to 3.10.

3.7. Development Unit Plan Administration.

A DUP must be approved by the City of Mesa prior to any development occurring within a specific DU. A DUP may be submitted for all or a portion of a DU, although the Planning Director must authorize the submittal of a DUP that only addresses a portion of a DU.

3.7(a) DUP Submittal Requirements. The following items shall be submitted as part of a DUP application:

3.7(a)(i) *Development Unit Land Use Plan.* A DU Land Use Plan shall be of sufficient detail to ensure the compatibility of future development in the DU and compatibility with properties surrounding the DU, to ensure appropriate transitions between differing developments, to ensure that development will not overburden the transportation system, utility infrastructure or community facilities, and to facilitate the implementation of the Community Plan. The goal of the DU Land Use Plan is to identify the approximate locations of the allowed LUGs per the approved Land Use Budget with the final placement of the LUGs made during the Site Plan and Design Review or Subdivision Plat process. The determination of the LUG during the Site Plan and Design Review or Subdivision Plat process is permitted to allow development to remain flexible and react to the market conditions while respecting the integrity of the DU. The DU Land Use Plan shall:

1. Designate the street classification within the DU and indicate major roadways, and
2. Provide for the general LUG locations within the DU (LUG locations may overlap), and
3. Include the general locations for community facilities, schools, open space and parks, pedestrian corridors, and any other delineation as reasonably requested by the Planning Director to assist in describing the land plan for the individual DU.

3.7(a)(ii) *Development Parcel Allocation.* The DUP submittal must include a Development Parcel Allocation that conforms to the requirements of 5.4. The DUP must include an exhibit and appropriate accompanying documents that document the Development Parcel Allocation.

3.7(a)(iii) *Development Unit Design Guidelines.* DU Design Guidelines are required with each DUP submittal and must include the following:

1. Pedestrian Corridors.
 - a. Conceptual location, size and type of pedestrian corridors.
 - b. The hierarchy of pedestrian systems.
 - c. Implementation and phasing plan for the construction of pedestrian corridors.

2. Pedestrian Connectivity.

- a. Guidelines addressing pedestrian connectivity throughout the DU and to the larger community.
- b. Guidelines shall encourage a high degree of connectivity and include design considerations for locations where paths cross, bringing people together.
- c. Guidelines shall address on-street and off-street connectivity as well as connectivity within individual neighborhoods and development projects.

3. Common Areas.

- a. Identification of public and private common areas.

4. Landscaping.

- a. Identification of a landscape plant palette.
- b. Proposed plant and landscape character.
- c. Conceptual plant types to be used, including landscaping within the public right-of-way.
- d. Proposed landscape architecture theme(s) and corresponding design standards for landscaping.
- e. Streetscape and open space landscape character, to include as appropriate, concepts for the typical hardscape features including pavement design, sample materials, colors, textures, locations; street furniture; opportunities for public art; shade structures and similar design features; playground equipment; water features including ponds and fountains; and foundation base standards.

5. Lighting.

- a. Conceptual position, size, and type of street lighting fixture(s).
- b. Proposed design standards for lighting fixtures.
- c. Description of methods for shielding light from adjacent properties and compliance with City of Mesa lighting control standards and policies.

6. Design Character.

- a. Discussion regarding overall character of the development.
- b. Illustrations and/or photographic representations and a narrative regarding proposed architectural theme and urban design character.
- c. Examples of typical colors and materials.
- d. Location, size and type of any public facilities contemplated as well as phasing of public facilities.

3.7(a)(iv) *Development Unit Transportation Plan.* The DU Transportation Plan builds upon the Master Transportation Study and includes the general locations of major streets and secondary streets, proposed major intersections and secondary intersections, phasing plan, and traffic generation projections.

3.7(a)(v) *Development Unit Drainage Plan.* The DU Drainage Plan shall demonstrate that runoff has been managed from upper watershed reaches to outlets and shall address any increase or decrease in runoff from upstream DUs or within the current DU that may occur as development progresses and densities change. Each DU Drainage Plan shall be prepared by a registered professional engineer who is licensed to practice in the State of Arizona. The DU Drainage Plan shall contain the following:

1. Maps showing watersheds draining onto, or through, the DU, with estimates of peak flows for the 100-year storm event defined in the City of Mesa Engineering and Design Standards
2. Location and estimated size of all retention basins and channels.
3. Estimated retention volumes in accordance with City of Mesa Engineering and Design Standards and proposed conceptual retention basin facility volumes, areas, depths and locations.
4. A statement, narrative, and/or analysis outlining retention basin drain times and means of drainage.
5. A phasing plan for the establishment of the necessary drainage system within each DU.
6. As warranted, an update or addendum to the master plan will be submitted when requested by the City Engineer and must be submitted to FCDMC for review and approval if any flows or timing of flows to the regional flood control systems or structures increases.
7. Updated computerized hydraulic models as necessary to support the modified flows.

3.7(a)(vi) *Development Unit Potable Water Plan.* Each DU Potable Water Plan shall address any increase or decrease in water demand from other DUs and the current DU that may occur as development progresses and densities change. Each DU Master Potable Water Plan shall include any off-site lines and shall be prepared by a registered professional engineer who is licensed to practice in the State of Arizona. Each DU Potable Water Plan shall address the following:

1. The conceptual location and size of all necessary potable water system components, including on-site and off-site water lines.

2. A phasing plan for the construction of the necessary potable water system.
3. A summary of the proposed flow criteria and projection of flows.
4. A flow and pressure analysis of the proposed system which includes a simulation of the system operation using a hydraulic computer model with average day demands, maximum day demands with estimated required fire flows and peak hour demands.
5. As warranted, an update or addendum to the master plan will be submitted when requested by the City Engineer.

3.7(a)(vii) *Development Unit Wastewater Plan.* Each DU Wastewater Plan shall address any increase or decrease in wastewater generation from upstream DUs and the current DU that may occur as development progresses and densities change. The DU Wastewater Plan shall include any off-site lines and shall be prepared by a registered professional engineer who is licensed to practice in the State. The DU Wastewater Plan shall address the following:

1. The conceptual location, size, type, and capacity of the necessary on-site and off-site wastewater collection system components needed to serve the DU.
2. A phasing plan for the construction of the necessary wastewater system.
3. A flow analysis of the system to substantiate the selection of sizes, phasing and capacities of the on-site and off-site wastewater collection facilities.
4. As warranted, an update or addendum to the master plan will be submitted when requested by the City Engineer.

3.7(b) Development Unit Plan Review and Approval Process.

3.7(b)(i) *Pre-Submittal Conference.* A Pre-Submittal Conference with the City of Mesa Planning Director and City Engineer, or designee is required prior to submittal of a DUP application. Customary City of Mesa processes and procedures will be followed for the Pre-Submittal Conference.

3.7(b)(ii) *Approval Authority.* The DUPs for DU2 and DU4 may be reviewed and approved administratively by the Planning Director (“Administrative DUP Approval”). The DUPs for DU1, DU3, and DU5 must be reviewed and approved by the Planning & Zoning Board in a public hearing (“Public Hearing DUP Approval”).

3.7(b)(iii) *Administrative DUP Approval.* The Planning Director shall administratively act upon a DUP application for DU2 and DU4 upon completion of all requirements as described below. The DUP shall only be

approved if the application and supporting materials are consistent with the PPGN Community Plan. The approval may include stipulations or conditions of approval. An Administrative DUP Approval is an Administrative Decision and subject to the appeal procedures outlined in 3.10.

1. **Letters of Notification.** Letters of notification to neighboring property owners and other interested parties are required. Letters of notification shall be prepared as follows:
 - a. A letter, worded similar to the Sample Notification Letter included in Appendix 19.2, that generally describes the request, action to be taken, and provides contact information shall be prepared on the applicant's letterhead.
 - b. A mailing list shall be prepared by the applicant that includes the Master Developer, if not the applicant, any potentially affected school district, all registered neighborhood associations located within one-half mile of the DU boundary, all homeowner's or property owner's associations within PPGN registered with the City of Mesa, and all property owners as last disclosed by the Maricopa County Assessor's Records:
 - i. Located within the Development Unit to which the DUP relates, and
 - ii. Located wholly or partly within 750 feet of the Development Unit to which the DUP relates, and
 - iii. Other potentially impacted individual property owners or entities as determined by the Planning Director based on the potential impact of the DUP.
 - c. The applicant shall provide the Planning Division with pre-addressed, stamped and sealed letters to all parties on the mailing list at the time of submittal of the DUP. The applicant shall also provide the Planning Division with a copy of the letter, mailing list and map noting the location of the notified property owners and interested parties for the case file.
 - d. The Planning Division shall mail the notification letters within 15 calendar days of submittal of a complete DUP application.
 - e. Additional notification letters may be required upon the discretion of the Planning Director if significant changes occur to the DUP application during the staff review process.
2. **Publication.** Information on the DUP shall be published within 15 calendar days of a complete DUP submittal in a newspaper of general circulation as required by the City Charter.
3. **Site Posting.** The site shall be posted within 15 calendar days of a complete DUP submittal with a sign that conforms to the standard and customary City

of Mesa site posting requirements. The number of signs to be posted shall be determined by the Planning Director or his designee.

4. **Written Protest.** If a written protest regarding a proposed DUP is received within 15 days of the postmark date on the notification letters and the protest cannot be resolved, then the DUP request shall be reclassified as a Public Hearing DUP Approval and all provisions as outlined in 3.7(b)(iv) shall apply. The written protest requirement applies to both the initial notification letters and any subsequently required notification letters. A protest shall be considered resolved if:
 - a. The written protest is withdrawn in writing, or
 - b. Mutual agreement is reached between the applicant and the protesting party to the satisfaction of the Planning Director, or
 - c. The Planning Director renders a decision on the DUP request.
5. **Planning Director Decision.** Unless a written protest is filed as described above and not resolved, the Planning Director shall render a decision on the DUP request, either:
 - a. Upon expiration of the written protest period, or
 - b. No later than 90 calendar days after the date of submittal of a complete DUP application unless otherwise agreed to by the applicant.

Notice of the Planning Director's decision shall be sent to the Master Developer, applicant, any homeowner's or property owner's associations within PPGN that are registered with the City of Mesa, and to any other person or entity who has filed a written request for such notice, within 15 calendar days from the date of the Planning Director's decision. The notice must include the action taken, any applicable conditions or stipulations, and a description of the appeal period and process. The Planning Director's decision is final unless appealed pursuant to 3.10.

- 3.7(b)(iv) Public Hearing DUP Approval.** The Planning & Zoning Board shall review and approve the DUPs for DU1, DU3 and DU5 pursuant to the procedures as outlined below. The DUP shall only be approved if the application and supporting materials are consistent with the PPGN Community Plan. The approval may include stipulations or conditions of approval. The Planning & Zoning Board hearing shall take place no later than 120 calendar days after the date of submittal of a complete DUP application and upon completion of all required citizen participation and notification requirements unless otherwise agreed to by the applicant. The Planning Division shall prepare a report and recommendation regarding the DUP application prior to the Planning & Zoning Board hearing. The Planning Division shall notify the applicant immediately upon scheduling the Planning & Zoning Board hearing.

1. Citizen Participation & Notification.

- a. Citizen Participation Plan. A citizen participation plan (“CPP”) shall be submitted with the application for DUP approval. The CPP shall include: (a) a contact list, (b) a general description of how those on the contact list will be notified of the application and community meetings, (c) a process for providing feedback and comments, and (d) a schedule for implementation of the CPP. The contact list shall include:
 - i. Any potentially affected school district, and
 - ii. All registered neighborhood associations located within one-half mile of the DU boundary, and
 - iii. All homeowner’s or property owner’s associations within PPGN registered with the City of Mesa, and
 - iv. All property owners as last disclosed by the Maricopa County Assessor’s Records located within the Development Unit to which the DUP relates, and located wholly or partly within 750 feet of the Development Unit to which the DUP relates, and other potentially impacted individual property owners or entities as determined by the Planning Director based on the potential impact of the DUP.
- b. Citizen Participation Report. A citizen participation report (“CPR”) shall be submitted a minimum of 15 calendar days before the scheduled date of the Planning & Zoning Board Hearing and shall include (a) a summary of mailings conducted, (b) responses received, and (c) how concerns were addressed. In addition, an affidavit, with a copy of the site posting, shall be included with the CPR.
- c. Written Notice. Notice of the Planning & Zoning Board hearing shall be sent by first class mail to the contact list identified in the CPP a minimum of 15 calendar days before the scheduled date of the Planning & Zoning Board Hearing. The Planning Division shall mail the notification letters. The applicant shall provide the Planning Division with pre-addressed, stamped and sealed letters to all parties on the mailing list a minimum of twenty calendar days before the scheduled date of the Planning & Zoning Board hearing. The applicant shall also provide the Planning Division with a copy of the letter, mailing list and map noting the location of the notified property owners and interested parties for the case file.
- d. Publication. Information on the proposed DUP and Planning & Zoning Board hearing shall be published by the City of Mesa a minimum of 15 calendar days prior to the scheduled date of the Planning & Zoning Board hearing, at least once in a newspaper of

general circulation published or circulated in the City, as required by the City Charter.

- e. **Site Posting.** The site must be posted in a visible location within the DU a minimum of 15 calendar days prior to the scheduled Planning & Zoning Board hearing on the DUP application with a sign that meets the City of Mesa's standard and customary site posting requirements. Additional signs may be required to be posted at additional sites as mutually agreed upon by the applicant and the Planning Director.

2. **Appeals.** The decision of the Planning & Zoning Board is final unless appealed pursuant to the procedures outlined in 3.10.

3.7(b)(v) **Development Unit Plan Amendments.**

Development Unit Plan Amendments shall be classified as minor or major as determined by the Planning Director.

1. **DUP Major Amendments.** Major amendments include any change to a DUP that substantially modifies the location of the approved LUGs, street types, or other significant features integral to the overall character of the DU. Major Amendments shall be processed in the same manner as the initial DUP approval.
2. **DUP Minor Amendments.** Minor amendments to a DUP may be reviewed and approved administratively by the Planning Director; and the approval may include stipulations or conditions of approval. A Minor Amendment is an Administrative Decision and subject to the appeal procedures outlined in 3.10.
 - a. **Letters of Notification.** Letters of notification to neighboring property owners are required for each Minor Amendment request. Letters of notification shall be prepared as follows:
 - i. A letter, worded similar to the Sample Notification Letter included in **Appendix 19.2**, that generally describes the request, action to be taken, and provides contact information shall be prepared on the applicant's letterhead.
 - ii. A mailing list shall be prepared by the applicant that includes the Master Developer, if not the applicant, all homeowner's or property owner's associations within the DU registered with the City of Mesa, and other potentially impacted individual property owners or entities as determined by the Planning Director based on the potential impact of the Minor DUP Amendment.

- iii. The applicant shall provide the Planning Division with pre-addressed, stamped and sealed letters to all property owners on the mailing list at the time of submittal of the Minor Amendment request. The applicant shall also provide the Planning Division with a copy of the letter, mailing list and map noting the location of the notified property owners for the case file.
 - iv. The Planning Division shall mail the notification letters within 10 calendar days of submittal of a complete Minor Amendment application.
 - v. Additional notification letters may be required upon the discretion of the Planning Director if significant changes occur to the Minor DUP Amendment application during the staff review process.
- b. **Written Protest.** If a written protest regarding a proposed Minor Amendment is received within calendar 15 days of the postmark date on the notification letters and the protest cannot be resolved, then the Minor Amendment request shall be reclassified as a Major Amendment and all provisions governing Major Amendments as outlined in 3.6(b) shall apply. The written protest requirement applies to both the initial notification letters and any subsequently required notification letters. A protest shall be considered resolved if:
- i. The written protest is withdrawn in writing, or
 - ii. Mutual agreement is reached between the applicant and the protesting party to the satisfaction of the Planning Director, or
 - iii. The Planning Director renders a decision on the Minor Amendment request.
- c. **Planning Director Decision.** Unless a written protest is filed as described above and not resolved, the Planning Director shall render a decision on the Minor Amendment request, either:
- i. Upon expiration of the written protest period, or
 - ii. No later than 60 calendar days after a complete Minor Amendment request was filed with the City of Mesa unless otherwise agreed to by the applicant.

Notice of the Planning Director's decision shall be sent to the Master Developer, applicant, any homeowner's or property owner's associations within the DU that are registered with the City of Mesa, and to any other person or entity who has filed a written request for such notice, within 15 calendar days from the date of the Planning Director's decision. The

notice must include the action taken, any applicable conditions or stipulations, and a description of the appeal period and process. The Planning Director's decision is final unless appealed pursuant to 3.10.

3.8. Site Plan and Design Review.

3.8(a) Site Plan and Design Review Approval Required. Site Plan and Design Review approval is required for all non-single residence development projects. The Site Plan and Design Review approval process shall meet the City of Mesa's customary requirements for Design Review. Single residence development projects including individual detached single residence lots do not require Site Plan and Design Review approval and shall follow the Subdivision Plat procedures in 3.9. For all development projects requiring Site Plan and Design Review approval, no building permit shall be issued for such sites until there is an approved site plan. All sites shall be reviewed, and be subject to approval pursuant to the requirements of this Chapter.

3.8(b) Pre-Submittal Conference. A Pre-Submittal Conference with the City of Mesa Planning Director and Engineer, or their designee, is required prior to submittal of a site plan application. Customary City of Mesa processes and procedures will be followed for the Pre-Submittal Conference.

3.8(c) Required Information for Site Plan and Design Review.

1. Site plans shall be drawn at an appropriate size and scale to facilitate review.
2. Site plan submittals shall demonstrate compliance with the PPGN Community Plan, General Development Standards, approved DUP and LUB.
3. Site plan submittals shall include items on the City's application form, which may be amended by the Planning Director, as well as all items on the City's standard and customary Design Review application form.
4. The site plan shall identify the LUG for the project and permitted uses allowed within the buildings.
5. Land Use Budget Update and Development Parcel Allocation. A Land Use Budget and Development Parcel Allocation tracking sheet shall be included with each Site Plan and Design Review application. The tracking sheet shall follow the procedures outlined in 5.4.

3.8(d) Major and Minor Site Plan Criteria. Site plans shall be considered either major or minor. The criteria for determining major versus minor site plans, the reviewing authority, and the review processes are as follows:

3.8(d)(i) Major Site Plans and Design Review. A site plan is considered major if it meets one or more of the following criteria:

- 1) Mixed-use projects, commercial, or other non-residential projects on sites in excess of five acres.

- 2) Projects with a site plan approval of at least 100 attached or multi-residence residential units.
- 3) Projects with building heights in excess of 4 stories.

3.8(d)(ii) *Minor Site Plans and Design Review.* A site plan is considered minor if it meets one or more of the following criteria:

- 1) Projects that do not meet the thresholds noted above.
- 2) Minor amendments to site plans previously approved by the Planning and Zoning Board, as determined by the Planning Director.
- 3) Site plan amendments to projects previously approved administratively, which still meet the definition of minor site plan.

3.9. Site Plan and Design Review Approval. Upon completion of all submittal and notice requirements, Site Plan and Design Review applications shall be considered for approval. Major Site Plans shall be considered by the Planning & Zoning Board, and Minor Site Plans shall be considered by the Planning Director. The Planning & Zoning Board or Planning Director may not restrict the request for the placement of any LUG if the LUG is allowed within that area of the DUP. All site plans must include Development Parcel Allocation tracking information as required by 5.4(d).

3.9(a) The Planning & Zoning Board and Planning Director shall review and consider site plans and grant approval based on a determination that the following criteria have been met:

- 1) All provisions of the PPGN Community Plan and all other applicable DUP provisions have been complied with as applicable.
- 2) The site plan is not detrimental to the general health of persons residing or working in the neighborhood.
- 3) The site plan promotes a desirable relationship of structures to other structures, to open spaces and topography both on the site and in the adjacent development.
- 4) The height, area, setbacks and overall mass, as well as parts of any structure (buildings, walls, signs, lighting, etc.) and landscaping are in compliance with the General Development Standards.
- 5) Ingress, egress, internal traffic circulation, off-street parking facilities, loading and service areas and pedestrian ways are designed to promote safety and convenience and provide a high quality pedestrian environment.
- 6) The architectural character of the proposed structures is in conformance with the architectural character adopted by any DUP for any given area with intent to avoid excessive variety or monotonous repetition.
- 7) All mechanical equipment, appurtenances and utilities, and their associated screening are integral to the building design.

- 8) The architectural character of a development considers the unique climatological and other environmental factors of this region.

3.9(a)(i) *Conditions of Approval.* The Planning & Zoning Board or Planning Director, upon hearing an application, may impose such reasonable conditions as it may deem necessary in order to fully carry out the criteria outlined within the PPGN Community Plan and applicable DUP. If an application for Site Plan and Design Review approval conforms to the applicable General Development Standards, the Planning Board or Planning Director may not further restrict the site plan as it relates to the General Development Standards.

3.9(a)(ii) *Minor Modifications to General Development Standards.* The Zoning Administrator or designee shall have the authority and may grant site specific minor modifications to the General Development Standards during the Site Plan and Design Review process. The Zoning Administrator shall use the following criteria when evaluating all requests for minor modifications to the General Development Standards:

1. The minor modification is consistent with the application of design requirements designated in the PPGN CP; and
2. The minor modification is consistent with the implementation of the PPGN CP and the applicable DUP; and
3. The minor modification will result in a project design that meets or exceeds the design goals and guidelines as expressed by the PPGN CP; and
4. The minor modification results in a building of superior architectural design, as determined by building form and massing, use of materials and colors, and relationship of the building to the building site; and
5. The minor modification is in accord with the Mesa Building Code and adopted Engineering Department requirements as amended by the PPGN CP, as may be applicable.
6. The minor modification is consistent with the vision of the PPGN CP.

3.9(a)(iii) *Clarifications and Interpretations of General Development Standards.* The Zoning Administrator may administratively provide clarifications and interpretations of the General Development Standards as they apply to a Site Plan and Design Review application.

3.9(b) Major Site Plan and Design Review Procedures. The Planning & Zoning Board shall review and approve Major Site Plan and Design Review applications pursuant

to the procedures as outlined below. The Planning & Zoning Board hearing shall take place within 90 calendar days of the date of submittal of a complete application and upon completion of all required citizen participation and notification requirements unless otherwise agreed to by the applicant. The Planning Division shall prepare a report and recommendation regarding the application prior to the Planning & Zoning Board hearing. The Planning Division shall notify the applicant immediately upon scheduling the Planning & Zoning Board hearing.

1. Citizen Participation & Notification.

- a. Citizen Participation Plan. A citizen participation plan ("CPP") shall be submitted with the application for Site Plan and Design approval. The CPP shall include: (a) a contact list, (b) a general description of how those on the contact list will be notified of the application and community meetings, (c) a process for providing feedbacks and comments, and (d) a schedule for implementation of the CPP. The contact list shall include:
 - i. A mailing list shall be prepared by the applicant that includes the Master Developer if not the applicant, all homeowner's or property owner's associations within the applicable DU registered with the City of Mesa, and other potentially impacted individual property owners or entities as determined by the Planning Director based on the potential impact of the proposed site plan.
- b. Citizen Participation Report. A citizen participation report ("CPR") shall be submitted a minimum of 15 calendar days before the scheduled date of the Planning & Zoning Board Hearing and shall include (a) a summary of mailings conducted, (b) responses received, and (c) how concerns were addressed. In addition, an affidavit, with a copy of the site posting, shall be included with the CPR.
- c. Written Notice. Notice of the Planning & Zoning Board hearing shall be sent by first class mail to the contact list identified in the CPP a minimum of 15 calendar days before the scheduled date of the Planning & Zoning Board Hearing. The Planning Division shall mail the notification letters. The applicant shall provide the Planning Division with pre-addressed, stamped and sealed letters to all parties on the mailing list a minimum of twenty calendar days before the scheduled date of the Planning & Zoning Board hearing. The applicant shall also provide the Planning Division with a copy of the letter, mailing list and map noting the location of the notified property owners and interested parties for the case file.
- d. Site Posting. The site must be posted in a visible location within the DU a minimum of 15 calendar days prior to the scheduled Planning

& Zoning Board hearing with a sign that meets the City of Mesa's standard and customary site posting requirements. Additional signs may be required to be posted at additional sites as mutually agreed upon by the applicant and the Planning Director.

3.9(c) Minor Site Plan and Design Review Procedures. The Planning Director shall administratively act upon a Minor Site Plan and Design Review application upon submittal of a complete application and upon completion of all notification requirements. Notification procedures for Minor Site Plan and Design Review applications shall be limited to site posting at the discretion of the Planning Director or his designee. If required, a sign providing notice of the Minor Site Plan and Design Review request shall be posted on the site in a visible location within 10 calendar days after the submittal of a complete application. The size and contents of the sign shall be consistent with the customary City of Mesa site posting requirements. Additional signs may be required to be posted at additional sites as mutually agreed upon by the applicant and the Planning Director. Additional Citizen Participation procedures are not required.

3.9(c)(i) *Planning Director Decision.* The Planning Director shall render a decision on the Minor Site Plan and Design Review request no later than 60 calendar days after a complete application was filed with the City of Mesa unless otherwise agreed to by the applicant.

3.9(d) Appeal of a Site Plan and Design Review Decision. Appeals of Major and Minor Site Plan Review applications shall follow the Administrative Decision Appeal procedures outlined in 3.10.

3.9(e) Expiration and Renewal of Site Plan and Design Review Approvals.

3.9(e)(i) *Expiration.* The approval of a site plan shall expire 2 years following the date of the approval, unless a building permit has been issued and construction diligently pursued.

3.9(e)(ii) *Extension.* Site plan approval may be extended once for a period of not more than an additional two years by the Planning Director. Application for an extension shall be made in writing during the time period that is between 60 calendar days before and 60 calendar days after the expiration of the original approval. The Planning Director may extend a site plan approval if the site plan remains consistent with the purpose and intent of the PPGN Community Plan and the applicable DUP.

3.9(e)(iii) *New Application.* If the approval of a site plan expires and an extension to the approval is not granted, then a new application for Site Plan and Design Review shall be filed.

3.9(f) Amendments to Site Plans and Design Review.

3.9(f)(i) *Notification Procedure for Site Plan Amendments.* Applicant and Planning Director shall determine if, and to what extent, notification measures are required for amendments to site plans; however, in no event shall such notification measures be more than required for an initial approval of a site plan.

3.9(f)(ii) *Major Amendments to Major Site Plans.* Major amendments to major site plans, as determined by the Planning Director, shall be reviewed by the Planning & Zoning Board. The Planning & Zoning Board shall review the amendment and the impacts the amendment creates on the original site plan approval. Review criteria and processes shall be the same as the initial site plan approval.

3.9(f)(iii) *Minor Amendments to Major and Minor Site Plans.* Minor amendments to sites plans, as determined by the Planning Director, may be administratively approved by the Planning Director. Minor amendments shall be reviewed and considered by the Planning Director following the review criteria and processes for Minor Site Plan and Design Review in 3.8(g).

3.10. Subdivision Plat Administration. Subdivision plats for PPGN shall be processed and approved pursuant to the standard practice and customary procedures of the City of Mesa. All single residence developments shall meet this requirement through the subdivision process as required by Chapter 6, of Title 9 of the Mesa City Code, including the requirements for Product Review. All subdivision plats must include Development Parcel Allocation tracking information as required by 5.4(d).

3.10(a) Minor Modifications to General Development Standards. The Zoning Administrator or designee shall have the authority and may grant site specific minor modifications to the General Development Standards during the Subdivision Plat review process. The Zoning Administrator shall use the following criteria when evaluating all requests for minor modifications to the General Development Standards:

1. The minor modification is consistent with the application of design requirements designated in the PPGN CP; and
2. The minor modification is consistent with the implementation of the PPGN CP and the applicable DUP; and
3. The minor modification will result in a project design that meets or exceeds the design goals and guidelines as expressed by the PPGN CP; and
4. The minor modification results in a building of superior architectural design, as determined by building form and massing, use of materials and colors, and relationship of the building to the building site; and
5. The minor modification is in accord with the Mesa Building Code and adopted Engineering Division requirements as amended by the PPGN CP, as may be applicable.
6. The minor modification is consistent with the vision of the PPGN CP.

3.10(b) Clarifications and Interpretations of General Development Standards. The Zoning Administrator may administratively provide clarifications and interpretations of the General Development Standards as they apply to a Subdivision Plat application.

3.11. Appeals of Administrative Decisions. An Administrative Decision is subject to the appeal processes outlined below. Administrative Decisions subject to appeal include:

1. Minor Amendments to the PPGN Community Plan as outlined in 3.6(c), and
2. Development Unit Plan approvals and amendments to Development Unit Plans as outlined in 3.7, and
3. Site Plan and Design Review approvals and amendments to Site Plan and Design Review approvals as outlined in 3.8.

3.11(a) Appeal to the Planning & Zoning Board. An Administrative Decision made by the Planning Director may be appealed by the Master Developer, applicant, or an owner of property located within 750 feet of the area affected by the Administrative Decision. Appeals will be heard by the Planning & Zoning Board in a public hearing. The appeal must be filed within 30 calendar days after the date of the Planning Director's decision.

1. Appeals must be in writing and submitted to the Planning Director.
2. Appeals must include:
 - a. Date of the appeal;
 - b. Name of the person filing the appeal;
 - c. Address to which all notices shall be sent and contact information such as telephone or email;
 - d. Description of the specific items being appealed including date of the Planning Director's decision,
 - e. justification for the appeal, and
 - f. a summary of the desired conclusion.
3. The Planning Division shall schedule the appeal for the next available Planning & Zoning Board hearing that is a minimum of 30 calendar days after the expiration of the appeal period. The Planning Division shall submit a report and any background material regarding the appeal to the Planning & Zoning Board.
4. The Planning Division shall notify the applicant of the date, time and location of the Planning & Zoning Board hearing immediately upon scheduling the hearing.
5. The applicant shall provide letters of notification to the Planning Division pursuant to the notification requirements for the original application a minimum of 15 calendar days prior to the scheduled Planning & Zoning Board hearing date. The Planning Division shall

mail the letters of notification a minimum of 10 calendar days prior to the scheduled Planning & Zoning Board hearing date.

6. The Planning & Zoning Board's standard of review on appeal is de novo. The Planning & Zoning Board may consider any information presented to it when hearing an appeal under this Chapter.
7. The Planning & Zoning Board's decision on the appeal is final unless the Master Developer, applicant, or an owner of property located within 750 feet of the area affected by the Administrative Decision, initiates an appeal to the City Council as outlined in Section 3.10(b).

3.11(b) Appeals to the City Council. A decision of the Planning & Zoning Board (either an initial decision on an application or a decision on appeal of a Planning Director's decision) may be appealed to the City Council by the Master Developer, applicant, or an owner of property located within 750 feet of the area affected by an Administrative Decision. Appeals will be heard by the City Council in a public hearing. The appeal must be filed within 15 calendar days after the date of the Planning & Zoning Board's decision.

1. Appeals must be in writing and submitted to the Planning Director.
2. Appeals must include:
 - a. Date of the appeal;
 - b. Name of the person filing the appeal;
 - c. Address to which all notices shall be sent and contact information such as telephone or email;
 - d. Description of the specific items being appealed including date of the Planning & Zoning Board's decision,
 - e. justification for the appeal, and
 - f. a summary of the desired conclusion.
3. The City Council's standard of review on appeal is de novo. The City Council may consider any information presented to it when hearing an appeal under this Chapter. The City Council may remand the matter for further proceedings or may affirm, reverse, or modify the decision of the Planning & Zoning Board. The decision of the City Council is final.

3.12. Applicability of City of Mesa Engineering and Design Standards

3.12(a) Purpose. The City of Mesa 2009 Engineering and Design Standards Manual ("Engineering Standards"), as may be amended from time to time by the City, are the default engineering and design standards for use within PPGN. In accordance with Section 9-8-4(C) of the Mesa City Code, amendments to the requirements and specifications of Chapter 8 of the City Code, including engineering and design

standards, may be approved by the City Council in conjunction with the approval of the PC District if the City Engineer or City Traffic Engineer recommends approval of the modification.

3.12(b) Applicability. The Engineering Standards are the default standards and are applicable to construction of:

1. Public infrastructure (i.e., public water, sewer, or natural gas utilities owned, operated or maintained by Mesa; public streets and facilities, public retention basins and drainage facilities, public street lighting and signalization) located within dedicated public right-of-way or easements, or
2. Private infrastructure installed by a public utility or franchisee located within dedicated public right-of-way and/or easements, or
3. Drainage and retention requirements for private facilities.

3.12(c) Modifications to the Engineering Standards. In conjunction with development of PPGN, certain Engineering Standards may be in conflict with implementation of the vision as set forth within the PPGN Community Plan. In order to achieve the purposes of the PPGN Community Plan, the City will consider appropriate and viable alternatives to the Engineering Standards when such alternatives advance the objectives of the PPGN Community Plan. Pursuant to the provisions of Section 9-8-4(C) of the Mesa City Code, the PPGN Community Plan may include modifications to the Engineering Standards. Anticipated modifications to the Engineering Standards are described within the applicable Chapter as referenced below:

1. Street Systems . Refer to Chapter 16.
2. Stormwater Management and Drainage Standards. Refer to Chapter 17.

Project specific implementation of these anticipated modifications to the Engineering Standards are subject to final review and approval by the City Engineer, City Traffic Engineer, or their designee, during the DUP, Site Plan and Design Review, Subdivision Plat or engineering plan review and approval process. Additional modifications to the Engineering Standards are anticipated as part of the on-going implementation of the PPGN Community Plan and may be sought in the future pursuant to Section 9-8-4 of the City Code. The City Engineer, City Traffic Engineer, or their designee may approve modifications to the Engineering Standards based upon a finding that the modification:

1. Is consistent with the intent of the regulations in Title 9 of the Mesa City Code;
2. Will result in an equivalent level of service for health, safety and welfare to the General public;

3. Will result in improvements that are adequate and meet the City's needs;
4. Furthers the purposes of the PC District;
5. Shall not increase maintenance costs unless paid for by the developer, and
6. Is not contrary to the public interest.

Appeals. The decision of the City Engineer, City Traffic Engineer, or their designee may be appealed to the City Manager.

